

March 9, 2012



**U.S. Customs and
Border Protection**

DIS-1-OT:CTE:FD-TP
2012F17416

Jason Smathers
MuckRock News
Dept. MR 905
P.O. Box 55819
Boston, MA 02205-5819

Dear Mr. Smathers:

This is a final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP), requesting the CBP Inspector's Field Manual.

Upon initial review of your request, we have determined that the following documents can be found on the internet at: http://foia.cbp.gov/index.asp?ps=1&search=&category=Manuals_and_Instructions.

Please note that some of the redactions do not indicate the exemption under which the information was withheld. These redactions were made pursuant to Exemption (b)(7)(E) of the FOIA which protects techniques, procedures and guidelines for law enforcement investigations. As you will see a small number of redactions indicate that information was withheld pursuant to Exemption (b)(2). Please note that CBP is no longer asserting Exemption (b)(2) as the basis for withholding the information. However, CBP asserts that the information is exempt from release pursuant to Exemption (b)(7)(E), because the information provides instructions on how to access certain electronic files on a law enforcement database and would facilitate unauthorized access to the law enforcement database.

FOIA Exemption (b)(2) protects information applicable to internal administrative and personnel matters, such as operating rules, guidelines, and manual of procedures of examiners or adjudicators, to the extent that disclosure would risk circumvention of an agency regulation or statute, impede the effectiveness of an agency's activities, or reveal sensitive information that may put the security and safety of an agency activity or employee at risk. Whether there is any public interest in disclosure is legally irrelevant.

FOIA Exemption (b)(6) exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption (b)(7)(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement

records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate.


FOIA Exemption (b)(7)(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call (877) 684-6448.

You have a right to appeal our withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 799 Ninth Street, NW, 5th Floor, Washington, DC 20229-1179, following the procedures outlined in the DHS regulations at Title 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

This office may be reached at (202) 325-0150. Please notate file number 2012F17416 on any future correspondence to CBP related to this request.

Sincerely,


Dorothy Pullo
Director, FOIA Division
Office of International Trade